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Matthias Hessling

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EXAMINER

AJIBADE AKONAI, OLUMIDE

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,419	Applicant(s) HESSLING ET AL.	
	Examiner OLUMIDE T. AJIBADE AKONAI	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23, 25, 29-32, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 16-19, 24, 26-28 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/24/2005, 10/29/2008, 1/21/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claim 25 is withdrawn in view of the newly discovered reference(s) to Tomoyoshi JP 2000-048039. Rejections based on the newly cited reference(s) follow.

Claim Objections

2. Claims 16-19, and 24-28 are objected to because of the following informalities: on line 3 of both claims 24 and 25, "the information" should be cancelled, and "location-related information" should be inserted between "including" and "in". Appropriate correction is required. Claims 24 and 26 recites the limitation "the traffic route" on line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 recites the limitation "the traffic route" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tomoyoshi JP 2000-048039 in view of the **Applicants' Admitted Prior Art** (hereinafter **AAPA**).

Regarding **claim 25**, Tomoyoshi discloses a method for transmitting location-related information from a transmitter to a receiver, the method comprising; including the information in a digital map of the receiver (transmitting from a host computer to a

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client computer map information required to update a map that is already displayed in the client computer, and using the map information downloaded from the host computer to provide and display current/relevant map at the client computer, see translation; abstract, drawing 7, pages 2-3 of the detailed description, [0007], page 5, [0016]-[0017], and page 6, [0018], [0020], page 1 of prior art, [0003]); and downloading the location-related information from an Internet page (downloading the map information from the host computer via the internet, see translation; abstract, drawing 7, pages 1-2 of the detailed description, [0003], page 2-3, [0007]).

Tomoyoshi fails to disclose wherein a data packet to be transmitted separately includes both location information and descriptive information, and the data packet has assignment information for assigning at least one part of the location information to at least one part of the descriptive information.

AAPA however, discloses wherein a data packet to be transmitted includes both location information and descriptive information (see page 1 of the applicants' specification, lines 6-17), and the data packet has assignment information for assigning at least one part of the location information to at least one part of the descriptive information (see page 1 of the applicants' specification, lines 12-17).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the AAPA, by encoding the location-related information to be transmitted to a device/receiver with a map/map application, into the system of Tomoyoshi, for the benefit of transmitting location-related

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information to be inserted or added to a map in a receiver that can be used to update the map of the receiver.

Regarding **claim 20** as applied to claim 25, Tomoyoshi as modified by AAPA discloses the claimed limitation. AAPA further discloses wherein for an encoding of objects in a traffic route network, the object to be encoded being provided with at least one coordinate chain which at least partially lies on traffic routes which are also included in the receiver's database, and which includes characteristic properties of parts of the traffic route network (see page 1 of the applicants' specification, lines 6-10, and lines 19-20).

Regarding **claim 21** as applied to claim 25, Tomoyoshi as modified by AAPA discloses the claimed limitation. AAPA further discloses wherein for a decoding, the coordinate chain of an encoded object is compared to the receiver's database, the at least one coordinate chain is assigned to the similar part of the traffic route network if similarities are present, and the non-assigned parts of the at least one coordinate chain are connected to the traffic routes of the receiver's database according to the geometric position of the assigned part (see page 1 of the applicants' specification, lines 6-10, and lines 19-22, and page 2, lines 1-3).

Regarding **claim 22** as applied to claim 25, Tomoyoshi as modified by AAPA discloses the claimed limitation. AAPA further discloses wherein the location-related information is made up of linear objects (see page 1 of the applicants' specification, lines 7-10).

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tomoyoshi JP 2000-048039** in view of the **Applicants' Admitted Prior Art** (hereinafter **AAPA**) as applied to claim 22 above, and further in view of **Adachi et al 6,519,526** (hereinafter **Adachi**).

Regarding **claim 23** as applied to claim 22, Tomoyoshi as modified by AAPA discloses the claimed limitation except wherein for a decoding, a point set of equidistant point of linear objects of the traffic route network is formed.

Adachi however, discloses a point set of equidistant points for multiple traffic routes (see fig. 7, col. 3, lines 26-29), and using the point set of equidistant points for multiple traffic routes to determine a relative position of an object in one of the traffic routes (see fig. 7, col. 3, lines 21-44).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Adachi, by using the road shape matching technique using the points on the plurality of candidate roads, into the system of Tomoyoshi as modified by AAPA, for the benefit of generating an updated map.

7. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tomoyoshi JP 2000-048039** in view of the **Applicants' Admitted Prior Art** (hereinafter **AAPA**) as applied to claim 22 above, and further in view of **Takenaga 6,563,459**.

Regarding **claim 29** as applied to claim 25, Tomoyoshi as modified by AAPA discloses the claimed limitation except wherein the location-related information being offered on internet portal of a service provider in return for a payment.

In the same field of endeavor, Takenaga discloses location-related information being offered on internet portal of a service provider in return for a payment (see figs. 1 and 4, col. 4, lines 24-36 and col. 6, lines 10-23).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Takenaga, by purchasing map data from a website, into the system of Tomoyoshi as modified by AAPA for the benefit of providing specific or required map information for a mobile terminal.

Regarding **claim 30** as applied to claim 25, Tomoyoshi as modified by AAPA and Takenaga disclose the claimed limitation. Takenaga further discloses selecting a link to an Internet page of an information provider to reach the Internet page of a service provider having the location-related information (see figs. 1 and 4, col. 4, lines 24-36 and col. 6, lines 10-23); and providing payment by the information provider to the service provider for the download of the location-related information (see figs. 1 and 4, col. 4, lines 24-36 and col. 6, lines 10-23).

Regarding **claim 31** as applied to claim 30, Tomoyoshi as modified by AAPA and Takenaga disclose the claimed limitation. Takenaga further discloses the payment amount being calculated as a function of a data set of the location-related information

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(providing the cellular phone with map data based on the map data purchased by the user, see figs. 1 and 4, col. 4, lines 24-36 and col. 6, lines 10-23).

8. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tomoyoshi JP 2000-048039** in view of the **Applicants' Admitted Prior Art (hereinafter AAPA)** as applied to claim 22 above, and further in view of **Akiyama et al 20020170056 (hereinafter Akiyama)**.

Regarding **claim 32** as applied to claim 25, Tomoyoshi as modified by AAPA discloses the claimed limitation except wherein the provision of the location-related information on the Internet page being financed at least partially by advertising.

Akiyama however, discloses, a method in which a user of an electronic device is able to receive location-related information using the electronic device, and wherein the cost of receiving the location related information using the electronic device is financed by the station sending the location information by also transmitting advertisement to the electronic device (providing location information at a reduced cost, and also sending advertisement information, see p.3-4, [0034], p.4, [0061]-[0062], [0066]-[0067], [0076]).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Akiyama, by transmitting map data to a mobile terminal free of charge or at a reduced charge, in exchange for also transmitting advertisement information to the mobile terminal, into the system of Tomoyoshi as modified by AAPA for the benefit of allowing a user of a mobile device to

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use a service, such as map data for free in exchange of providing location based advertisement to the user of the mobile device.

9. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tomoyoshi JP 2000-048039** in view of the **Applicants' Admitted Prior Art (hereinafter AAPA)** and well known prior art **Official Notice (MPEP 2144.03)**

Regarding **claim 34**, Tomoyoshi discloses 34. a navigation device (client computer 20, see drawing 7, page 1 of detailed description, [0003]) comprising: a digital map (see drawing 1, page 1 of the detailed description, [0003]); and a receiving arrangement to receive location-related information (see drawing 1, page 1 of the detailed description, [0003]) which can be downloaded from an Internet page and included in the digital road map (downloading the map information from the host computer via the internet, see translation; abstract, drawing 7, pages 1-2 of the detailed description, [0003], page 2-3, [0007]).

Tomoyoshi does not specifically disclose wherein the location-related information is received in a data packet that separately includes both location information and descriptive information, and that has assignment information for assigning at least one part of the location information to at least one part of the descriptive information.

AAPA however, discloses wherein location-related information is received in a data packet that separately includes both location information and descriptive information (see page 1 of the specification, lines 6-17), and that has

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assignment information for assigning at least one part of the location information to at least one part of the descriptive information (see page 1 of the specification, lines 12-17).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the AAPA, by encoding the location-related information to be transmitted to a device/receiver with a map/map application, into the system of Tomoyoshi, for the benefit of transmitting location-related information to be inserted or added to a map in a receiver that can be used to update the map of the receiver.

Tomoyoshi as modified by the AAPA does not specifically disclose that the digital map is a digital road map.

The examiner however takes Official Notice that it was well known in the art to have the feature of a “digital road map” in a navigation device. One of ordinary skill in the art would clearly recognize that navigation devices such as PDAs, mobile phones, Laptops, and other portable Navigation devices have digital road maps.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tomoyoshi by incorporating a road map into the map application disclosed by Tomoyoshi for the purpose of having a road map application in a portable device.

Regarding **claim 35** as applied to claim 34, Tomoyoshi further discloses wherein the reception occurs via a connection to a device having an internet connection (see drawing 1, page 1 of the detailed description, [0003]).

Allowable Subject Matter

10. Claim 33 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 33 as applied to claim 23, Tomoyoshi as modified by the AAPA disclosed the claimed limitation except wherein, for a plurality of relative positions of the point sets in relation to each other, the number of points which lie within a predetermined spacing of at least one point of the other point set is determined for one of the point sets, and the object to be decoded is decoded in the relative position in which the number is greatest by out-putting the part of the traffic route network then correlated with the object. The above novel features in combination with other recited limitations of claims 23, 22, and 25 are neither taught, suggested, nor made obvious by Tomoyoshi or any other prior art of record.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Espino 7,243,355 discloses a method, system and computer program product for a lightweight directory access protocol client application program interface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617